

**MATERIAL SUBJECT TO PROTECTIVE ORDER -NOT OPEN TO THE PUBLIC.  
TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED U.S. PATENT  
AND TRADEMARK OFFICE EMPLOYEE**

#12156  
1-15-04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Tribunal Issuing Protective Order:	)	
	)	
U.S. District Court for the S. D. of Ohio	)	
	)	
Civil Action No.: C-1-98-858	)	Art Unit: 3763
	)	
Current Status of Proceeding: Pending	)	
	)	
In re Application of:	)	Atty. Docket No.: VI/00-012
	)	
COWAN et al.	)	
	)	
Serial No.: 09/765,498	)	Examiner: M. F. DeSanto
	)	
Filed: January 18, 2001	)	
	)	
Title: ENCODING AND SENSING OF	)	
SYRINGE INFORMATION	)	

**INFORMATION DISCLOSURE STATEMENT SUBMITTED  
PURSUANT TO MPEP § 724.02**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
JAN 13 2004  
TECHNOLOGY CENTER 3700

Dear Sir:

The two (2) items listed on the attached Form PTO-1449 and contained within the accompanying envelope are subject to a protective order issued by the U.S. District Court for the Southern District of Ohio and are being submitted for consideration pursuant to MPEP § 724.

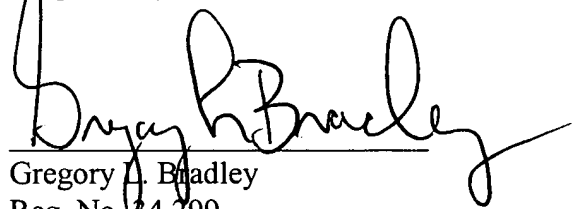
In the Information Disclosure Statement filed on January 12, 2004 ("January 12<sup>th</sup> IDS"), in this application, Applicants disclosed a redacted version of the Post-Claim Construction Declaration of Thomas H. Braunstein. The two (2) items contained within

the accompanying envelope are (1) a non-redacted version of the Post-Claim Construction Declaration of Thomas H. Braunstein submitted with the January 12<sup>th</sup> IDS, and (2) a Second Post-Claim Construction Declaration of Thomas H. Braunstein. If, upon review of the two (2) items contained within the accompanying envelope, the Examiner finds that one or both are not important in deciding on the patentability of this application, Applicants respectfully request the items so determined not to be important to be expunged from the file. A Petition to Expunge Pursuant to 37 C.F.R. § 1.59(b) is submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, and NO FEE is due for consideration of this Information Disclosure Statement.

Date: January 12, 2004

Respectfully submitted,



Gregory A. Bradley  
Reg. No. 34,299

Medrad, Inc.  
One Medrad Drive  
Indianola, PA 15051  
(412) 767-2400 x3021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
COWAN et al.	)	Art Unit: 3763
	)	
Serial No.: 09/765,498	)	
	)	
Filed: January 18, 2001	)	Examiner: M. F. DeSanto
	)	
Title: ENCODING AND SENSING OF	)	
SYRINGE INFORMATION	)	

PETITION TO EXPUNGE PURSUANT TO 37 C.F.R. § 1.59(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to expunge from the file of this patent application the following documents submitted with the accompanying Information Disclosure

Statement:

- Post-Claim Construction Declaration of Thomas H. Braunstein (November 19, 2001); and
- Second Post-Claim Construction Declaration of Thomas H. Braunstein (December 7, 2001).

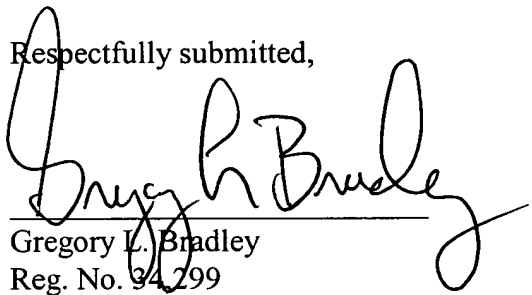
Applicants submit that the above items to be expunged are subject to a protective order issued by the U.S. District Court for the Southern District of Ohio in Civil Action No. C-1-98-858, and have not otherwise been made public.

Medrad, Inc., the assignee of the present application, commits to retaining the above items for the period of any patent with regard to which the above items are submitted.

This Petition to Expunge is being submitted by, or on behalf of, the party in interest who submitted the above items.

The Commissioner is hereby authorized to charge the petition fee of \$ 130.00 required under 37 C.F.R. § 1.17(i) to Deposit Account No. 13-2530.

Date: January 12, 2004

Respectfully submitted,  
  
Gregory L. Bradley  
Reg. No. 94,299

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